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THE DATA OF JURISPRUDENCE. By William Galbraith Miller, Advocate. Edinburgh: Wm. Green & Sons, 1903. Pp. ix, 477.

This is the first volume of a treatise on jurisprudence. The title is a suggestive one. As Mr. Miller points out in his preface, he is attempting in this work rather to state the problem, "What is Law?" than at present to offer any solution. This cannot but be regarded as a step in the right direction; for, as Aristotle saw, to ask the right questions is an important help towards obtaining the right answers. The author expresses his attitude towards this problem as being that of the "common sense man." To the reviewer this seems an unfortunate expression. It is apt to call up in one's mind the philosophical doctrines of Reid and his followers. In other words, one would expect to find a number of "laws of nature" set forth as axiomatic and as being those to which positive laws should conform. But such is not Mr. Miller's position. He treats jurisprudence as a positive science, dealing with law as it is and not with law as it ought to be. His way of looking at law is closer to that of Sir Frederick Pollock than to German jurists of the *Naturrecht* school. His method is primarily historical, inductive. This seems the right method for jurisprudence. To adopt the *Naturrecht* attitude is to bring within the scope of jurisprudence questions which can only be properly dealt with in Ethics or Politics. We require a name for a science which treats of the form of law and investigates the general characteristics of existing laws and legal institutions. According to traditional English usage the term "Jurisprudence" has been appropriated to indicate such a science. Mr. Miller does well in pointing out the close connection of form and matter in law. "Law is a result of social life and has no meaning apart therefrom" (p. 28). The Austinian doctrine is too formal and analytical. Society cannot exist without rules of social order, which are binding on citizens as such. These rules make up law. Austin's analysis of the term "law" is really only an analysis of an English criminal statute. Such is the result of applying the historical method in jurisprudence, and such is substantially Mr. Miller's position. He analyzes and discusses the meaning of the principal legal conceptions, right, duty, status, etc., and endeavors to show the close interconnection between law and social organization. The book displays throughout evidence of wide reading and knowledge. Mr. Miller's knowledge of law is not confined to Scot's law. Illustrations

tions are drawn from English, Scandinavian, German, and Roman law, not to mention other systems. Politics and Ethics are also laid under contribution. A companion volume is promised on Abstract Jurisprudence.

W. F. TROTTER.

EDINBURGH.

A HISTORY OF FACTORY LEGISLATION. By B. L. Hutchins and A. Harrison. P. S. King & Son, 1903.

This book describes itself as an endeavor to expound the historical facts regarding a form of legislation on whose limits opinions still differ. "Whatever we may think of the policy of Factory Legislation," writes Mr. Sidney Webb in a Preface, "we must all regard it as an advantage to have the story told with honest exactitude, and it is as such an historical study that I venture to command this volume." Only rarely do the authors become opinionative, there being something more than a historical tone in the chapter on the "Women's Rights Opposition Movement;" in general, it is a clear and lucid exposition which certainly needed to be done, and for which we are indebted to them and the London School. There is no historical weariness in the style, and only one split infinitive.

The book appears to divide itself most easily into an earlier period, when Factory Legislation was still founded on only an "emotional, religious and charitable" basis; and a later period, when sanitary and other regulations have been studied from a scientific or quasi-scientific point of view. The former is a political history of a movement subject to numerous outside chances, especially to the competing Free Trade development; in the latter the appeal to theory emerges gradually. But over the whole of the nineteenth century, which embraces this general policy, checks, hinderances, evasions and omissions have continually been triumphed over, till nearly the entire manufacturing field has come within the law.

The authors are not content with what has been done. They are "conscious that they leave off with a note of interrogation. What prospect is there that the principle of collective control will be further strengthened and extended in the improvement of the conditions of industrial life, and the social and industrial efficiency of workers?" "The Factory Code is still the barest minimum,